

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Hal Ruddick, Timothy Thomas, Felicia)	
Bryant, Barry Carr, Moshe Davis, and)	
Marshall Fuller, as Trustees of The Service)	
Employees International Union Local 4)	
Health & Welfare Fund)	
)	
and)	
)	08 cv 2496
Hal Ruddick, Timothy Thomas, Floyd)	
Schlossberg and Marshall Fuller, as)	Judge Zagel
Trustees of The Service)	
Employees International Union Local 4)	Magistrate Cole
Pension Fund)	
)	
v.)	
)	
Continental Care Center, Inc. and)	
David Meisels)	
)	

**MOTION FOR LEAVE TO FILE ANSWER
AND AFFIRMATIVE DEFENSES**

NOW COMES Defendant, DAVID MEISELS, by and through his attorneys, ASHMAN & STEIN, and moves this Honorable Court to enter an Order vacating any prior defaults herein and allowing him to file his Answer and Affirmative Defenses, instantor; and in support thereof, states as follows:

1. The Complaint in this action was filed on May 1, 2008.
2. Defendant Continental Care Center, Inc, was served through its registered agent and filed its Answer herein on May 28, 2008.
3. Defendant David Meisels ("Meisels") was purportedly served on May 16,

2008, by leaving a copy of the Complaint and summons with an adult male at Meisels' residence in New York. However, neither Meisels nor Meisels' attorney became aware of said service until after June 19, 2008, when Plaintiffs' counsel alerted Meisels' counsel that she "believed" that Meisels had been served.

WHEREFORE, Plaintiff, DAVID MEISELS, prays that this Honorable Court enter an Order vacating any defaults against him and allowing him to file his Answer and Affirmative Defenses herein, instantor.

Respectfully submitted,
ASHMAN & STEIN

/s/ Carey M. Stein
One of Meisels' attorneys

Carey M. Stein
Attorney for Meisels
Ashman & Stein
150 N. Wacker Drive, Suite 3000
Chicago, IL 60606
(312) 782-3484
37710